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January 29, 2019

Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Senator:

On behalf of our three million members and the 50 million students they serve, we strongly urge you to oppose confirming Wendy Vitter to the United States District Court for the Eastern District of Louisiana when the Judiciary Committee votes on her nomination. Votes on this issue may be included in NEA's Report Card on the 116th Congress.

During her confirmation hearing, Ms. Vitter was asked if *Brown v. Board of Education* were rightly decided, and she refused to answer. She testified only that she would put aside her own "personal, political or religious views [about segregation]" and follow *Brown* because it is binding precedent. Such testimony alone is disqualifying.

The United States Supreme Court's unanimous decision in *Brown* was a watershed moment in our nation's history and in the history of our schools. The words of the *Brown* decision ring as true today as they did in 1954:

Today, education is perhaps the most important function of state and local governments ... [I]t is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

Before *Brown*, Jim Crow, de jure racial segregation, and racially segregated and unequal schools were the norm and considered constitutional. The Supreme Court's decision in *Brown* helped our nation turn the corner on that shameful history.

Other recent nominees, including Chief Justice Roberts, Justice Kagan, and Justice Gorsuch, have had no trouble praising the *Brown* decision and do not believe it is inappropriate for them to do so. When Chief Justice Roberts was asked during his confirmation hearing whether he thought *Brown* was rightly decided, he unequivocally responded, "I do." Justice Gorsuch described *Brown* as a "great and important decision." Justice Kagan testified, "I hope and I know that the principles that *Brown v. Board of Education* set forth are still relevant today ... [T]he idea of equality under law is a fundamental American constitutional value."

Engraved on the front of the United State Supreme Court building are four simple words that are the bedrock of our system: “Equal justice under law.” A nominee to the federal bench who will not pledge fidelity to those words cannot be confirmed.

On behalf of America’s students and educators, we strongly urge you to VOTE NO on Wendy Vitter’s nomination to the United States District Court for the Eastern District of Louisiana.

Sincerely,

A handwritten signature in black ink that reads "Marc Egan". The signature is written in a cursive, flowing style.

Marc Egan  
Director of Government Relations  
National Education Association